



Legislation Text

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Res. No. 292

Resolution calling on the New York City Department of Education to create an inclusive school dress code policy that complies with Title IX of the Federal Education Amendments Act and accounts for diverse cultures, gender expressions and body diversity.

By Council Members Stevens, Riley, Nurse, Gutiérrez, Narcisse, Louis, Salaam and Joseph

Whereas, Title IX of the Education Amendments Act is a Federal civil rights law that prohibits discrimination on the basis of sex in any educational institution receiving Federal financial assistance; and

Whereas, The New York City (“City”) Department of Education (DOE) does not have a universal dress code policy to protect students from unfair enforcement of discriminatory and gender-biased dress code standards in schools; and

Whereas, According to the DOE school discipline code, wearing clothing, headgear or other items that are considered unsafe or disruptive to the educational process is categorized as uncooperative or noncompliant behavior and can result in disciplinary actions such as student-teacher conferences, parent conferences or exclusion from extracurricular activities or communal lunchtime; and

Whereas, According to Girls for Gender Equity (GGE), school dress code standards target transgender and gender non-conforming (TGNC) youth of color who are disproportionately disciplined for dress code violations; and

Whereas, According to GGE, girls and TGNC students of color report being excluded from classrooms, which restricts learning opportunities and leads to cumulative penalties that have negative impacts on students’ academic trajectories; and

Whereas, Girls and TGNC students of color are punished for wearing clothing that is seen as a

distraction to cisgender boys, such as tank tops or shorts, or clothing that does not adhere to a gender-binary standard, such as baggy pants or other clothing that is seen as too masculine; and

Whereas, A 2016 GGE research study revealed that while most student narratives about dress codes center the experiences of young people who face being hyper-sexualized, students also shared narratives of being discriminated against based on clothing that reflected their religious identity; and

Whereas, Ending punitive practices around dress codes must expand beyond clothing to include infractions related to hairstyles and accessories, religious dress or identifiers and other cultural markers; and

Whereas, A model school dress code policy would create a DOE-wide framework for protecting students from sexist and heteronormative dress codes, eliminating the enforcement of those standards that target girls and TGNC youth of color and honors student's cultural, religious and gender expression; and

Whereas, Further a City-level school dress code policy allows for flexibility in the creation of school-level dress code policies and should be created through consultation with diverse communities within the DOE school system and engagement with youth who are impacted; and

Whereas, The elimination of gender-biased dress codes ensures that students are not subject to mistreatment or discrimination as a result of their clothing and creates school environments that are safer and more inclusive spaces for all young people; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Department of Education to create an inclusive school dress code policy that complies with Title IX of the Federal Education Amendments Act and accounts for diverse cultures, gender expressions and body diversity.

Session 12

LS # 11231

03/08/2023

CGR

Session 11

Res. 1230-2020

LS #11993

09/06/19

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